

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
NORTHWESTERN DIVISION**

United States of America,	)	
	)	
Plaintiff,	)	<b>ORDER</b>
	)	
vs.	)	
	)	
James Richard Sauder,	)	Case No.4:10-mj-028
	)	
Defendant.	)	

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On May 5, 2010, Defendant filed a “Motion for Monetary Compensation for Destroyed Property.” He requests an order from the court awarding him monetary compensation for destroyed property in the above-entitled action.

The court cannot grant Defendant the relief he requests in the context of this action, that is an award of monetary damages. If Defendant is affirmatively seeking monetary damages from the Government, he must comply with the provisions of the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671-2680. The court leaves open the question, however, whether, if Sauder is convicted, he can seek to offset against any restitution and/or fine requested by the Government the amount of damage to his vehicle if unreasonably or negligently caused by the Government. Accordingly, Defendant’s motion (Docket No. 19) is **DENIED**.

**IT IS SO ORDERED.**

Dated this 14th day of May, 2010.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr.  
United States Magistrate Judge